

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION,

Plaintiff,

- against -

COLLECTOR'S COFFEE INC., et al.,

Defendants.

19 Civ. 4355

ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/2/24

SDJ INVESTMENTS, LLC, et al.,

Intervenor-Plaintiffs,

- against -

COLLECTOR'S COFFEE INC., et al.,

Intervenor-Defendants.

VICTOR MARRERO, United States District Judge.

On January 24, 2024, the Court held a telephone conference in this matter, in part, to schedule proceedings to resolve the outstanding claims and crossclaims among intervenor plaintiffs SDJ Investments, LLC, Adobe Investments, LLC, and Darren Sivertsen (together, the "Intervenor Plaintiffs"), intervenor defendant Jackie Robinson Foundation ("Intervenor Defendant"), and Defendants Mykalai Kontilai ("Kontilai") and Collector's Coffee, Inc. ("Collector's Coffee, Inc.," and together with Kontilai, the "Defendants"). Trial must proceed on Count II of the


Intervenor Plaintiffs' First Amended Complaint in Intervention (see Dkt. No. 344) against Intervenor Defendant, as well as the sole count of the Intervenor Defendant's Crossclaim (see Dkt. No. 1002) against Defendants (together, the "Intervenor Claims").

The Intervenor Plaintiffs and Intervenor Defendant thereafter memorialized their respective positions on the order of trial proceedings by letters filed on ECF. (See Dkt. Nos. 1509; 1510.) The Court does not accept Intervenor Defendant's proposal that trial should be adjourned while Defendants and Intervenor Plaintiffs arbitrate Count I of the First Amended Complaint in Intervention. The Court decided that it would stay Count I pending arbitration, while Count II proceeded in litigation. (See Dkt. Nos. 890, 943.) The Second Circuit affirmed the Court's decision to do so. See SDJ Investments, LLC v. Collector's Coffee, Inc., No. 21-2070 Civ., 2022 WL 17097231, at *2 (2d Cir. Nov. 22, 2022). Intervenor Defendant puts forth no persuasive reason to disturb the Court's prior decision on the matter.

Accordingly, it is hereby **ORDERED** that trial in this action is set for October 21, 2024.

SO ORDERED.

Dated: 2 April 2024
New York, New York


Victor Marrero
U.S.D.J.